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02975.000130

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Kazuo IIZUKA et al. ) : Examiner: P. B. Kim  
Application No.: 10/762,468 ) : Group Art Unit: 2851  
Filed: January 23, 2004 ) : Confirmation No.: 5472  
For: PROJECTION EXPOSURE MASK, PROJECTION ) July 15, 2005  
EXPOSURE APPARATUS, AND PROJECTION )  
EXPOSURE METHOD )

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

☒ No additional fee is required.


The fee has been calculated as shown below:

| CLAIMS AS AMENDED                             |                                  |       |                                 |               |                  |                |
|---|----------------------------------|-------|---------------------------------|---------------|------------------|----------------|
|   | CLAIMS REMAINING AFTER AMENDMENT |       | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE             | ADDITIONAL FEE |
| TOTAL CLAIMS                                  | 29                               | MINUS | 29                              | = 0           | x \$25<br>\$50   | \$0.00         |
| INDEP. CLAIMS                                 | 4                                | MINUS | 4                               | = 0           | x \$100<br>\$200 | \$0.00         |
| Fee for Multiple Dependent claims \$180/\$360 |                                  |       |                                 |               |                  | \$0.00         |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT       |                                  |       |                                 |               |                  | \$0.00         |

☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
- ☐ Charge \$\_\_\_\_\_ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the fee for \_\_\_\_\_ month extension is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the Information Disclosure Statement fee is enclosed.
- ☒ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address given below.

Respectfully submitted,

  
Attorney for Applicants  
Steven E. Warner  
Registration No. 33,326

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action dated June 22, 2005.

In the Office Action, the Examiner sets forth a restriction requirement among three groups of claims. Group I, claims 1-6, 17, 26 and 28, is drawn to a projection exposure mask, and is classified in class 430, subclass 5. Group II, claim 5, is drawn to a method of manufacturing a projection exposure mask, and is classified in class 430, subclass 30. Group III, claims 7-25, 27 and 29, is drawn to a projection exposure apparatus and method, and is classified in class 355, subclass 53 1-14, is drawn to an apparatus, and is classified in class 422, subclass 133. In this regard, Applicants note that the Examiner has grouped

claim 17 in Group I and in Group III. Applicants request clarification of the grouping of claim 17.

The Examiner asserts that, presumably, the inventions of Groups II and I are related as process of making and product made, and that the inventions of Groups III and I are related as combination and subcombination, and have acquired a separate status in the art as shown by their different classification such that the searches are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Applicants note that the inventions of Groups I, II and III are so closely related in the field of projection exposure that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to substantially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group III, namely claims 7-25, 27 and 29.

Favorable consideration and an early passage to issue are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven E. Warner", is written over a horizontal line.

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Registration No. 33,326

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